

**RECEIVED  
CENTRAL FAX CENTER****JUN 05 2008**

10/574,594

**REMARKS**

**Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.**

The objection raised with respect to the Abstract of the Disclosure is overcome by the newly entered Abstract. If the any further amendment to the Abstract is believed necessary, the Examiner is invited to contact the undersigned to discuss the proposed change(s) to the same.

Claim 23 is then objected to for the reasons noted in the official action. The above requested amendments to claim 23 are believed to overcome all of the raised informalities concerning that claim. If any further amendment to claim 23 is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

Next, claims 14-26 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and all of the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejections and are not directed at distinguishing the present invention from the art of record in this1 case.

Lastly, claims 14, 16 and 22-26 are rejected, under 35 U.S.C. § 102, as being anticipated in view of Koerber '368 (U.S. Publication No. US 2003/00663368). The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

A300-148 P.1

10/574,594

Koerber `368 relates to a manual transmission that includes two gearshift rods 7, 8 which support a gearshift fork 4. The gearshift rods 7, 8 and the gearshift fork 4 are slidable with respect to each other. This assembly further includes two actuators 9, 10 which are used to engage coupling pins 11 with recesses 12-14 in the gearshift rods 7, 8. The coupling pins 11 are normally biased in a disengaged position with respect to the recesses 12-14 in the gearshift rods 7, 8 such that both of the gearshift rod 7, 8 freely slide axially through the gearshift fork 4. When the coupling pins 11 are respective engaged by the actuators 9, 10, either one or both of the gearshift rods 7, 8 is/are fixed with respect to the respective gearshift fork 4 thus preventing axial movement therebetween.

It should be noted that neither of the actuators 9, 10 directly axially drives the gearshift rods 7, 8. Instead, a setting element 26 provides drive to axially slide the gearshift rods 7, 8. In each of the embodiments of Koerber `368, as can be seen in FIGS. 5-8, the two gearshift rods 7, 8 are driven simultaneously by coupling them to the setting element 26. The two gearshift rods 7, 8 are actuated "completely independently of one another" (paragraph [0023]) or simultaneously, depending on whether or not the two actuators 9, 10 have actuated the coupling pins 11 into engagement with the two gearshift rods 7, 8. Stated another way, if the coupling pins 11 engage both of the two gearshift rods 7, 8, then the gearshift rods 7, 8 will be actuated simultaneously when driven by the setting element 26. If the coupling pins 11 engage only one the two gearshift rods 7, 8, then the gearshift rods 7, 8 will be actuated independently when driven by the setting element 26.

In view of the above, the Applicant respectfully submits that there are a number of fundamental distinctions between the manual transmission of Koerber `368 and the presently claimed shifting device. First, as stated above, the two gearshift rods 7, 8 of Koerber `368 are each driven by the setting element 26. This setting element 26 axially drives each of the gearshift rods 7, 8 with respect to one another. In distinct contrast, each of the independent

0000-148 P.11

10/574,594

claims requires the limitation of first and second actuators 60, 48 as well as two separate and distinct shafts 2, 46. In particular, the second shaft is recited as supporting the selection apparatus (28, 30, 32, 42, 44, 46), for selecting a desired one of the plurality of shifting forks (8, 10, 12, 14) to carry out the shifting procedure, and the blocking apparatuses (52), for preventing movement of non-selected shifting forks (8, 10, 12, 14). The first actuator 60 only axially displaces the first shaft 2, while the second actuator rotates the additional shaft 48 in a desired rotational direction by a desired rotational amount. It is respectfully submitted that neither of the gearshift rods 7, 8 of Koerber 368 are rotated by any actuator. Moreover, rotation of the gearshift rods 7, 8 of Koerber 368 would not accomplish anything since only axial motion induces a shifting motion to the associated gearshift fork 4.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, independent claims 14 and 30 of this application each now recite the features of

the shifting device comprising: an axially slidable shifting shaft (2) supporting a plurality of shifting forks (8, 10, 12, 14) . . . the blocking apparatuses (52) being supported on a substantially parallel, additional shaft (46), a first actuator (60) being provided, which axially displaces the shifting shaft (2) for carrying out the shifting procedure, elements of the selection apparatus (42, 44) being supported on the additional shaft (46), and an additional actuator (48) being provided for rotating the additional shaft (46) and selecting the desired one of the plurality of shifting forks (8, 10, 12, 14) to slide axially along with the shifting shaft (2) and for prevention of axial movement of the of non-selected shifting forks (8, 10, 12, 14) as the shifting shaft (2) slides axially.

Further, independent claim 30 recites the additional features of "blocking discs (52) for preventing movement of non-selected shifting forks (8, 10, 12, 14), and the blocking discs (52) being supported on a substantially parallel, additional shaft (46)". Such features are believed

06/05/2008 15:28 PM

10/574,594

to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

In addition, the coupling pins 11 of Koerber '368 engage the gearshift rods 7, 8 to prevent axial movement of the gearshift fork 4 along the shafts 7, 8. In distinct contrast, claim 16 includes the limitation that the blocking apparatuses 52 interact with the ring shaped engagement units 28, 30, 32, located on the shifting fork 8, 10, 12, 14, to prevent axial movement of the shifting forks 8, 10, 12, 14 as the shifting shaft 2 moves axially.

The Applicant thanks the Examiner for indicating that claims 15 and 17-21 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s). In accordance with this indication, new independent claim 27 is entered and this claim includes the subject matter of the original independent claim 14 along with the subject matter of allowable claim 19. This new independent claim as well as dependent claims 28 and 29 are all now believed to be allowable.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Koerber et al. '368 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field,

09/08/08 4:48 PM

RECEIVED  
CENTRAL FAX CENTER

JUN 05 2008

10/574,594


the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018  
Customer No. 020210  
Davis Bujold & Daniels, P.L.L.C.  
112 Pleasant Street  
Concord, NH 03301-2931  
Telephone 603-226-7490  
Facsimile 603-226-7499  
E-mail: [patent@davisandbujold.com](mailto:patent@davisandbujold.com)

603-226-7499